



International Tribunal for the
Prosecution of Persons
Responsible for Serious Violations
of International Humanitarian Law
Committed in the Territory of the
former Yugoslavia since 1991

Case No.: IT-04-84-PT

Date: 5 December 2006

Original: English

IN TRIAL CHAMBER II

Before: Judge O-Gon Kwon, Pre-Trial Judge
Registrar: Mr. Hans Holthuis
Order of: 5 December 2006

PROSECUTOR

v.

**RAMUSH HARADINAJ
IDRIZ BALAJ
LAHI BRAHIMAJ**

**ORDER POSTPONING DEADLINE FOR DEFENCE
TO RESPOND TO PROPOSED AGREED FACTS**

Office of the Prosecutor

Mr. David Re
Mr. Gilles Dutertre
Ms. Patricia Sellers
Mr. Gramsci di Fazio
Mr. Anees Ahmed
Ms. Katrina Gustafson

Counsel for Ramush Haradinaj

Mr. Ben Emmerson
Mr. Rodney Dixon
Mr. Michael O'Reilly

Counsel for Idriz Balaj

Mr. Gregor Guy-Smith

Counsel for Lahi Brahimaj

Mr. Richard Harvey
Mr. Paul Troop

I, O-GON KWON, Judge of Trial Chamber II of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the former Yugoslavia since 1991 (“Tribunal”);

HAVING BEEN APPOINTED, pursuant to Rule 65 *ter* of the Rules of Procedure and Evidence of the Tribunal (“Rules”), as Pre-Trial Judge in this case by the Presiding Judge of Trial Chamber II on 14 July 2006;¹

NOTING the “Order Postponing Deadline for Prosecution Submission of Proposed Agreed Facts” of 31 October 2006, in which I ordered the Prosecution to provide Ramush Haradinaj, Idriz Balaj, and Lahi Brahimag (collectively, “Accused”) with a new list of proposed agreed facts by 21 November 2006, and the Accused to transmit their respective responses to the Prosecution by 5 December 2006;

BEING SEISED OF the “Motion on Behalf of Ramush Haradinaj to Extend the Time Limit for Filing a Response to the Agreed Facts Proposed by the Prosecution”, filed on 5 December 2006 (“Motion”), in which Haradinaj informs the Trial Chamber that the Prosecution has provided the Accused with the new list of proposed agreed facts as ordered; and requests an extension of time until 15 January 2007 to transmit his response to the Prosecution;

NOTING that Haradinaj puts forth the following reasons that, in his submission, establish good cause for granting the Motion:

- a. the Prosecution has informed the Accused that further proposed agreed facts concerning DNA evidence and forensic findings will be provided to them shortly, and Haradinaj and his forensic experts will need additional time to consider these;²
- b. the parties are currently engaged in constructive discussions in relation to the Prosecution’s proposed agreed facts, and it would be beneficial if this process were allowed to continue before the Accused were required to transmit their respective responses to the Prosecution;³
- c. the Prosecution’s proposed agreed facts are voluminous, and Haradinaj requires additional time to consider them so that he may instruct his counsel appropriately;⁴
- d. after consultations between the parties on this matter, the Prosecution has no objection to the requested extension, and both Balaj and Brahimag support the Motion;⁵

¹ *Prosecutor v. Haradinaj, Balaj, and Brahimag*, Case No. IT-04-84-PT, Order Regarding Composition of Trial Chamber and Designating Pre-Trial Judge, 14 July 2006, p. 2.

² Motion, paras. 4, 6.

³ *Ibid.*, para. 5.

⁴ *Ibid.*, para. 6.

⁵ *Ibid.*, para. 3.


CONSIDERING that the co-operative process in which the parties are currently engaged in relation to the proposed agreed facts is to be encouraged, and it is therefore in the interests of justice to grant an extension of time, not only with respect to Haradinaj, but also Balaj and Brahimaj;

CONSIDERING, however, that it is also in the interests of justice for this process to be completed in advance of the next status conference, which is currently being planned for 12 January 2007;

PURSUANT TO Rule 54 of the Rules,

HEREBY GRANT the Motion and **ORDER** the Accused to transmit to the Prosecution their respective responses to the Prosecution's proposed agreed facts by 9 January 2007.

Done in English and French, the English text being authoritative.



O-Gon Kwon
Pre-Trial Judge

Dated this fifth day of November 2006
At The Hague
The Netherlands

[Seal of the Tribunal]